

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, February 1, 2005

Division Two

A105721 – The People v. Travis Ray White

The order appealed from is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J.
(Not for publication.)

Division Four

A106199 – Californians for Disability Rights v. Mervyn's, LLC

The motion to dismiss the appeal is denied. Sepulveda, J. We Concur: Kay, P.J.,
Reardon, J. (Certified for Publication)

Division Five

A105924 – The People v. Joseph H. Brockett

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for
Publication)

A102839 – Budge Rent-A-Car Corporation v. Always Trying, Inc.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for
Publication)

Wednesday, February 2, 2005

Division One

A101665 – The People v. Taniela Leaaetoo et al.

By the Court: Order Modifying Opinion and Denying Rehearing and no change in judgment. It is ordered that the opinion filed herein on January 5, 2005, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. Marchiano, P.J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, February 2, 2005

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J.; and I. Calanoc, Deputy Clerk.

- A105125 University of California Board of Regents,
 v.
 Harry Williby.
Cause called and argued by appellant in pro per Harry Williby, and Michael Goldstein, counsel for respondent. Cause ordered submitted.
- A104563 The People,
 v.
 Gilbert Eugene Layson.
Cause called and argued by Neil Rosenbaum, counsel for appellant, and Anne Wathen, counsel for respondent. Cause ordered submitted.
- A106347 Central Building, LLC,
 v.
 Don D. Cooper, et al.
Cause called and argued by Gregory Mase, counsel for appellants, and Judith Rentschler, counsel for respondent. Cause ordered submitted.
- A103711 Jerry Gordon, et al.,
 v.
 Boas International Motors.
Cause called and argued by Edward Mitchell, counsel for appellant, and Tyler Meade, counsel for respondents. Cause ordered submitted. Justice Stein left the bench after this case.
- A106273 The People,
 v.
 Samuel Tewolde.
Justice Margulies approached the bench. Cause called and argued by Jonathan Soglin, counsel for appellant, and Sharon Birenbaum, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Margulies, J.; and B. Robbins, Deputy Clerk.

A104557 Norman Hopkins, et al.,
 v.
 Superior Boiler Works.
Cause called and argued by David L. Fiol, counsel for appellants, and Mark A. Love, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench and Justice Swager joined the bench. Justice Stein presided over the remainder of the session.

A107299 The People,
 v.
 Thaddeus G.
Cause called and argued by Katharine Demgen, counsel for appellant, via teleconference, and Christopher Grove, counsel for respondent. Cause ordered submitted.

A104290 National Enterprises, Inc.
A106300 v.
 Denver Lakeside Drive, Ltd., et al.
Cause called and argued by Michael H. Fish, counsel for appellant, and Richard D. Givens, counsel for respondents. Cause ordered submitted.

Court adjourned.

Thursday, February 3, 2005

Division One

A105041 – The People v. Michael DeLongis

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J.
(Not for publication)

**A101956 – In re Nyala W., et al., Persons Coming Under the Juvenile Court Law.
Marin County Department of Health & Human Services v. Winnfred W.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not
for Publication)

Division Three

A101811 – The People v. Miguel Enrique Diaz

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for
Publication)

Division Five

**A105146 – In re the Marriage of Debra C. and Durfee L. Day.
Debra C. Day v. Durfee L. Day**

The order is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for
Publication)

Thursday, February 3, 2005 (continued)

Division Five

A102091 – The People v. Andy Saberi, Pawan K. Garg et al.

A102543 & A103463 – Andy Saberi v. Shell Oil Company et al.

The postjudgment order granting entry of satisfaction of judgment to Garg and Gupta in Alameda County Superior Court No. H-184353-6 is reversed. The postjudgment order granting Garg's and Gupta's motion for good faith settlement in Alameda County Superior Court No. H-184353-6 is reversed.

The judgment on the pleadings granted to Shell in Alameda County Superior Court No. 821274-8 is reversed. The judgment on the pleadings granted to Garg and Gupta in Alameda County Superior Court No. 821274-8 is reversed. The postjudgment order granting the award of attorney fees to Garg and Gupta in Alameda County Superior Court No. 821274-8 is reversed.

Appellant Saberi is awarded his costs on appeal. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication)

Friday, February 04, 2005

Division One

A104199 – The People v. Kevin Justin Buckley

By the Court: The petition for rehearing is denied. Stein, Acting, P.J.

A104324 – Janet Robbins et al. v. Joseph Alibrandi et al.

The order approving the settlement of attorney fees is reversed and the matter remanded to the trial court to decide if the negotiated fee amount was a fair and reasonable settlement of the attorney's claim for fees. If in making this determination, the court recalculates the fees it would have awarded under the "substantial benefit doctrine," it should analyze that question in a manner consistent with the principles we have discussed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Two

A103597 – Richard E. Thomas v. John Quintero

The order of the trial court denying Quintero's special motion to strike brought pursuant to section 425.16 is hereby vacated, and a new order granting the motion is hereby ordered to be entered. The matter is remanded to the trial court to consider the award to Quintero of attorney fees under section 425.16, subdivision (c). Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Certified for Publication)

A105387 – The People v. Carlos Alberto Medrano

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A107072 – In re Jacob B. et al., Persons Coming g Under the Juvenile Court Law. Contra Costa County Social Services Bureau v. Roy M. et al.

Respondent's motion to dismiss the instant appeal as moot is granted and the appeal is hereby dismissed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

Division Five

A104955 – Muzzy Ranch Co. v. Solano County Airport Land Use Commission

The opinion filed January 5, 2005 is modified as follows: (See order.) Respondent's petition for rehearing filed January 21, 2005 is denied. The modifications effect no change in the judgment. Simons, Acting P.J. (Certified for Publication)

Monday, February 07, 2005

Division One

A105804 – The People v. Pamela Maria Allen

The order is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Five

A100999 – Charles Edward Lepp et al. v. County of Lake

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication)

Tuesday, February 08, 2005

Division One

A105587 – San Mateo Public Guardian v. Kathleen S.

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

A106364 – Estate of Omega Cole, Deceased. Ruby Knight v. Myrtlelen Champion

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

A103850 – The People v. Larry John Sprinkle

The restitutionary order is stricken and the matter is remanded for correction of the restitutionary order in a manner consistent with this opinion and for resentencing in light of *Blakely, supra*, __U.S. __ [124 S.Ct.2531]. In all other respects, the judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

Division Three

A106690 – The People v. Mark Anthony Jones

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication)

A103269 – County of Solano v. Lionsgate Corporation

A105131 – County of Solano v. Lionsgate Corporation et al.

In case number A103269, the judgment is reversed and the trial court is directed to vacate that portion of the arbitration award granting the County prejudgment interest for the period prior to entry of the final arbitration award. In all other aspects, the judgment is affirmed. In case number A105131, the order amending the judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Pollak, J. (Certified for Partial Publication)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, February 8, 2005

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Kay, P.J., Reardon, J., and Rivera, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A105795 Margaret Kapranos
 v.
 David Kapranos
Cause called. John Sharp argued for appellant Margaret Kapranos. James Cohen argued for respondent. Cause submitted.

A106867 Santa Ana King
 v.
 Grosvenor Airport Properties
Cause called. Geoffrey Becker argued for appellant King. David Delbon argued for respondent. Cause submitted.

At this point, the Court reconstituted itself to include Kay, P.J., Sepulveda, J., and Rivera, J.

A104941 People
 v.
 Angel Lopez Jacobo
Cause called. Jeffrey Glick argued for appellant Jacobo. Margo Yu argued for respondent. Cause submitted.

The Court recessed at 10:18 a.m.

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officer Stephen Umeki, Bailiff.

A106653 Scott N. Verse

v.

City of Sebastopol et al.

Cause called. Scott Lewis argued for appellant Verse. Adrienne Moran argued for respondents City et al. Cause submitted.

At this point, the Court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A104455 Donna Benck

v.

Gerhardt Benck

Cause called. David Culver argued for appellant Donna Benck. No argument on behalf of respondent. Cause submitted.

The Court adjourned at 1:50 p.m.

Tuesday, February 08, 2005 (continued)

Division Five

A103943 – County of Alameda v. Benjamin S. Tagle, Defendant; Deborah Wilson, Real Party in Interest and Appellant.

The order is reversed and remanded for correction to reflect the court's finding that a total amount of \$80,662 in AFDC benefits was paid to appellant, and \$61,194.10 is currently owed. The order is otherwise affirmed. The parties shall each bear their own costs on appeal. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

Wednesday, February 09, 2005

Division One

A106460 – In re F. A., a Person Coming Under the Juvenile Court Law. The People v. F.A.

The case is remanded with directions to determine the maximum period of confinement and calculate predisposition credits. In all other respects, the judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

A103286 – The People v. Gregory Anthony Powell

By the Court: It is ordered that the opinion filed on January 25, 2005, be modified as follows: (See Order). The modification does not effect a change in the judgment. The petition for rehearing is denied. Haerle, Acting P.J. (Not for Publication)

Division Three

A104875 – Timothy Donnelly v. City and County of San Francisco

The Court: Appellant's petition for rehearing and request for publication are denied. McGuiness, P.J.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 9, 2005

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Corrigan, acting P.J., Parrilli, J., Pollack, J., and F. Abad, Deputy Clerk.

A102605 John Henry Olson, et al.,
 v.
 Metalclad Insulation Corporation.
Cause called and argued by Bryce Anderson, counsel for appellants, and Camille Fong, counsel for respondent. Cause ordered submitted.

Justice Pollak left the bench. Justice McGuiness joined the bench and presided over the remainder of the calendar.

A105552 Blanquita H. Pelaez,
 v.
 Panfilo M. Lacson.
Cause called and argued by Rodel Rodis, counsel for appellant, and Barbara Zanger Zuniga, counsel for respondent. Cause ordered submitted.

Justice Pollak joined the bench. Justice Corrigan remained on the bench but was not on the panel for the next case on calendar. Justice McGuiness announced the panel for the next case consisted of Parrilli, J., Pollak, J., and himself.

A105763 The People,
 v.
 John Jeffrey Caudle.
Cause called and argued by William Such, counsel for appellant, and Michele Swanson, counsel for respondent. Justice McGuiness allowed counsel for appellant to submit to the courtroom clerk copies of amendments and website links. Cause ordered submitted.

Justice Parrilli left the bench

A104147 In re Monica C.
 The People,
 v.
 Monica C.
Cause called and argued by Gene Vorobyov, counsel for appellant, and Michael Bannister, counsel for respondent. During oral argument, Justice McGuiness informed both counsels that request for judicial notice is denied. Cause ordered submitted.

A106652 Christopher E. Kindler,
 v.
 Susan Manheimer.
Cause called and argued by James Courshon, counsel for appellant, and Dennis Caines, counsel for respondent. Cause ordered submitted.

Court adjourned.

Wednesday, February 09, 2005 (continued)

Division Five

A104342 – The People v. Charles Bradley Goy

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J.
(Not for Publication)

Thursday, February 10, 2005

Division One

A104055 – Ronald T. Mingo v. Oakland Unified School District

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

A103211, A105309 – In re Firearm Cases. People of the State of California et al. v. Arcadia Machine & Tool, Inc.

The appeal from the stipulated judgment regarding Ellett Brothers, Inc. in A105309 is hereby dismissed as having been taken from a nonappealable order. The summary judgment appealed from in A103211 is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Certified for Publication)

A108776 – Mark E. Schakel II et al. v. The Superior Court of Sonoma County

The Court:* We therefore direct issuance of a peremptory writ of mandate commanding respondent, Superior Court of Sonoma County, to set aside its order filed December 14, 2004, granting plaintiff Gary DeRosier's motion to file a third amended complaint, and to deny that motion and enter its order striking the filing of the third amended complaint, with prejudice. The stay of trial previously imposed shall remain in effect until issuance of the remittitur. Defendants shall recover their costs. (Not for Publication)

*Before Marchiano, P.J., Swager, J., and Margulies, J.

A105775 – Iron & Silk, Inc. v. Champion Arts, Inc., et al.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to plaintiff. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

Thursday, February 10, 2005 (continued)

Division Two

A103695 – Robert J. Wallace, a Minor, etc., et al. v. Pomegranate Mediterranean Restaurant Cuisine and Catering et al.

The judgment is affirmed. Defendants are awarded costs. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication)

A105984 -- The People v. James Butler

For the reasons just set forth, the judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A105864 – Harry Allen v. Daimlerchrysler Motors Corporation

The order declining to award costs to DCMC is reversed and remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed. Each party is to bear their own costs on appeal. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

A103716 – The People v. Edilberto Saphao

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Certified for Partial Publication)

A104663 – Cynthia J. v. Charlton A.

The judgment is affirmed. Father is awarded sanctions in the amount of \$15,030 against counsel for Mother. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

Division Three

A101683 – The People v. Laurence Charles Campbell

The sentence imposed on the conviction for violating Penal Code section 136.1 is reversed and the matter is remanded for resentencing of that conviction. In all other respects, the judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

Thursday, February 10, 2005 (continued)

Division Four

A100310 – Ellen Dixon et al. v. City of Livermore

The judgment is reversed. The trial court is directed to enter judgment in favor of the City. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication)

Division Five

A104391 – The People v. Dennis Abeyta

The judgment is affirmed. Stevens, J. I Concur: Gemello, J. (See concurring and dissenting opinion by Jones, P.J.) (Not for Publication)

A105982 – The People v. Reyes Pacheco

The judgment is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication)

A104570 – The People v. Dana Gaines

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

A104901 – The People v. Patrick O'Reilly

The imposition of the upper term did not violate the Sixth Amendment. The judgment is affirmed. Stevens, J. I concur: Gemello, J. (See dissenting opinion by Jones, P.J.) (Not for Publication)

Monday, February 14, 2005

Division One

A104020 – The People v. Latresha Blackshell

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication)

A103369 – The People v. Donna Mae Preston

Accordingly, the parole revocation fine is stricken, and the judgment is affirmed in all other respects. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A098529 – RAF Enterprises LLC, et al. v. Trident LLC, et al.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

A106796 – The People v. Dominic Defeo

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

A105954 – The People v. Amanda A. Nece

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A103037 – The People v. Johnny Jesus Hernandez

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Monday, February 14, 2005

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk.

A103928 Marilyn Renfro et al.,
A105004 v.
State of California.
Cause called and argued by Scott Righthand, counsel for appellant, and Robert L. Collins, counsel for respondent. Cause argued and submitted.

A104015 The People,
v.
Anthony Raynail Williams.
Cause called and argued by Tara Mulay, counsel for appellant, and Jeremy Freidlander, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A104625 In re the Marriage of Siv and Frank Losey.
A102975 Frank Richard Losey,
v.
Siv Winberg Losey.
Cause called and argued by Bryce Anderson, counsel for appellant, and Margaret Bandel and Tex Ritter, counsels for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A104813 In re Sean D., a Person Coming Under the Juvenile Court Law.
The People,

v.

Sean D.

Cause called and argued by Stephanie Clarke, counsel for appellant, and Martin Kaye, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Kline left the bench and Justice Ruvolo joined the bench to participate in the remainder of the calendar.

A104689

Nicole S. Taus,

v.

Shapiro Investigations.

Cause called and argued by Demosthene Lorandos and Thomas Burke, counsels for appellant, and Julian Hubbard, counsel for respondent. Cause ordered submitted.

A104598

Gary Rushford et al.,

v.

Kaiser Foundation Hospitals et al.

Cause called and argued by Mary McNamara, counsel for appellant, and Kennedy Richardson, counsel for respondent. Cause ordered submitted.

Court recess until Tuesday, February 15, 2005 at 9:30 a.m.

Monday, February 14, 2005 (continued)

Division Four

A107490 – In re Tenisha D., a Person Coming Under the Juvenile Court Law. The People v. Tenisha D.

The dispositional order is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J.
(Not for Publication)

Division Five

A103934 – The People v. Adebola Isiaka Aiyedogbon

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J.
(Not for Publication)

Tuesday, February 15, 2005

Division One

A102130 – The People v. Tracy Jamare Brown.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A105503 – In re I.M., a Person Coming Under the Juvenile Court Law. The People v. I.M.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

A105340 – In re I.G., a Person Coming Under the Juvenile Court Law. San Francisco County Department of Human Services v. I.G., Bonnie C., et al.

The Court: Order Modifying Opinion and Denying Rehearing and no change in judgment. It is ordered that the nonpublished opinion filed herein on January 24, 2005, be modified as follows: (See order) There is no change in the judgment. Respondent's Bonnie C.'s petition for rehearing is denied. Kline, P.J. (Not for Publication)

A102835 – Thomas A. Evans v. Thomas F. Camp.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvoilo, J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, February 15, 2005

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Ruvolo, J., and S. Wheeler, Deputy Clerk.

- A102121 Beck Properties, Inc.,
 v.
 City of Brentwood;
 Patricia A. Mauldin.
Cause called and argued by David Paul Lanferman, counsel for appellant, and Matt Malone, counsel for respondent. Cause ordered submitted.
- A104690 Liora Keller,
 v.
 Howard Ocken.
Cause called and argued by Joseph Hearst, counsel for appellant, and David Schultz Rosenbaum, counsel for respondent. Cause ordered submitted.
- A105789 Radian Guaranty Inc., et al.,
 v.
 John Garamendi, as Insurance Commissioner of the State of California.
Cause called and argued by David Smith, counsel for appellant, and Paul D. Gifford, counsel for respondent. Cause ordered submitted.
- A104602 Pacific Telesis Group, Inc.,
 v.
 California Franchise Tax Board.
Cause called and argued by William Goldman, counsel for appellant, and David Lew, counsel for respondent. Cause ordered submitted.
- A100308 & Mannie Joel, M.D.,
A101041 v.
 The Hospital Committee For The Livermore-Pleasanton Area, et al.
Cause called and argued by James Anthony Napoli, counsel for appellant, and Christopher Hayes, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Tuesday, February 15, 2005 (continued)

Division Three

A105552 – Blanquita H. Pelaez v. Panfilo M. Lacson.

The October 27, 2003 default judgment and the December 20, 2003 order denying the motion for a new trial are affirmed. Lacson shall recover his costs on appeal. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication)

A102605 – John Henry Olson, et al. v. Metalclad Insulation Corporation.

The judgment is reversed. The Olsons shall recover their costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

A103306 – The People v. Warren Kevin Charles.

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication)

Division Four

A107031 – The People v. Rafael Rivas.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication)

A106653 – Scott Noel Verse v. City of Sebastopol et al.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

A108782 – Traci A. v. The Superior Court of Sonoma; Sonoma County Department of Human Services, R.P.I.

The petition is denied on its merits. (§ 366.26, subd. (l)(1); Cal. Rules of Court, rule 38.1(h)(1).) This opinion is final forthwith. (Cal. Rules of Court, rule 24(b)(2)(A).) Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Wednesday, February 16, 2005

Division One

A106782 – In re Michael E., a Person Coming Under the Juvenile Court Law. The People v. Michael E.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Four

A106010 – In re Lennies H., a Person Coming Under the Juvenile Court Law. The People v. Lennies H.

By the Court: The written opinion which was filed on January 19, 2005, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Kay, P.J.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Wednesday, February 16, 2005

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Stevens, J., Gemello, J.; and Richard H. Sandvik, Deputy Clerk.

A106299 Michael Randolph McMahan et al.
v.
City and County of San Francisco et al.
Cause called and argued by Oren M. Sellstrom, counsel for appellants, and by Wayne K. Snodgrass, counsel for respondents. Cause ordered submitted.

A106423 Michael Randolph McMahan et al.
v.
City and County of San Francisco et al.
Cause called and argued by Oren M. Sellstrom, counsel for appellants, and by Wayne K. Snodgrass, counsel for respondents. Cause ordered submitted.

A106794 The People
v.
Walter Edwards
Cause called and argued by Barry M. Karl, counsel for appellant, and by Ryan B. McCarroll, counsel for respondent. Cause ordered submitted.

A105221 Thomas Mark Deal
v.
Patricia Kim Deal
Cause called and argued by Thomas M. Deal, appellant in pro per, and by Bryce C. Anderson, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Gemello left the bench and Justice Simons joined the bench.

A107361 Royal Insurance Company of America
v.
Dil Truste et al.
Cause called and argued by Kirk Chamberlin, counsel for appellant, and by Gary A. Cerio, counsel for respondent. Cause ordered submitted.

A107455 Estate of Marvin Jones, Deceased
Mark J. Jones
v.
Public Administrator
Cause called and argued by Mark Jones, appellant, in pro per and by Barbara A. Jagiello and Jonathan R. Ferdon, counsel for respondent. Cause ordered submitted.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE
Wednesday, February 16, 2005

A105479 The People

v.

Luis Alberto Cajina

Cause called and argued by Paul R. Kleven, counsel for appellant, and by Michael E. Banister, counsel for respondent. Cause ordered submitted.

A104985 The People

v.

James Keithly Sampson

Cause called and argued by Robert S. Condie, counsel for appellant, and by Catherine McBrien, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Stevens left the bench and Justice Gemello joined the bench.

A106439 In re Tramaine W., a Person Coming Under the Juvenile Court Law.

The People

v.

Tramaine W.

Cause called and argued by Richard J. Krech, counsel for appellant, and by Christopher W. Grove, counsel for respondent. Cause ordered submitted.

Court recessed at 11:35 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m. with Justice Stevens, Acting Presiding Justice, Justice Simons and Justice Gemello.

A106684 The People

v.

Scott John Lowe

Cause called and argued by Donald L. Lipmanson, counsel for appellant, and by Rene A. Chacon, counsel for respondent. Cause ordered submitted.

A106267 William Rouse

v.

Operation Dignity et al.

Cause called and argued by William Rouse, appellant, in pro per, and by Peter J. Parisot and John A. Russo, counsel for respondents. Cause ordered submitted.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE
Wednesday, February 16, 2005

A105776 Construction Industry Force Account Counsel et al.
v.
Mendocino Coast District Hospital et al.
Cause called and argued by James P. Watson, counsel for appellant, and by Gregory Spaulding and John Ruprecht, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:20 p.m.

Thursday, February 17, 2005

Division Two

A106224 – LaVerne Jones v. Elvis Jones et al. In re the Marriage of LaVerne Jones and Elvis Jones. LaVerne Jones v. Elvis Jones.

The judgment is affirmed. Respondents Elvis and Wanda are awarded their costs on appeal. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

A106956 – The People v. Donna Bangah-Harrington.

Accordingly, the order revoking appellant's probation and the sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A101620 – The People v. Anderson P. Thurston.

A106524 – In re Anderson P. Thurston, on Habeas Corpus.

The Court: Order Modifying Opinion and Denying Rehearing and no change in judgment. It is ordered that the nonpublished filed herein on January 19, 2005, be modified as follows: (See order) There is no change in judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication)

Division Three

A104147 – In re Monica C., a Person Coming Under the Juvenile Court Law. The People v. Monica C.

The orders of the juvenile court are affirmed. Corrigan, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication)

Division Four

A100573 – The People v. Martice Detrese Lohner et al.

Thomas's two misdemeanor convictions for using a false police badge are reversed. In all other respects, the judgments are affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

Thursday, February 17, 2005 (continued)

A105384 – The People v. Robert Dell McGilberry.

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

A097708, A097974, A098305 Eric C. HSU et al. v. Semiconductor Systems, Inc. et al.

The judgment is modified to strike the finding that defendant SSI violated Corporations Code section 25401 and to reduce the costs award to \$65, 827.99. As modified, the judgment is affirmed. The parties shall bear their own costs and attorney fees incurred on the appeal and cross-appeal. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Certified for Partial Publication)

Friday, February 18, 2005

Division One

A104441 – The People v. Raymond Franks.

We remand the matter with instructions that the abstract of judgment be amended to strike the order prohibiting defendant from contact with minor females under the age of 18 and substitute in its place a prohibition on any visitation with minor females under the age of 18. In all other aspects, the judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

A106971, A107176 – In re Yanmarrie C., a Person Coming Under the Juvenile Court Law. Contra Costa County, Employment & Human Services Department, Children & Family Services v. Helen G.

The orders denying the mother's petitions are affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A092005 – The People v. Michael Pryzvieksi.

The judgment of conviction is affirmed. The visitation order is modified to provide only that defendant shall have no visitation with the child victim. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A105918 – The People v. Alvin Williams Spade.

By The Court: The petition for rehearing is denied. Stein, Acting P.J.

A102776 – The People v. Chad Rhodes.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Certified for Publication)

A104290&A106300 – National Enterprises, Inc. v. Denver Lakeside Drive, Ltd. et al.

The judgment, and the postjudgment order awarding attorney fees to defendants, are affirmed. Defendants are awarded their costs on appeal. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A105125 – The Regents of the University of California v. Harry J. Williby.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

Friday, February 18, 2005 (continued)

Division Three

A106652 – Christopher E. Kindler v. Susan E. Manheimer; Shawn M. Mason, R.P.I.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

A104808 – Norma C. v. Jeffrey B.

The Court: Appellant's petition for rehearing is denied. McGuiness, P.J.

Division Four

A107546 – In re Michael F., a Person Coming Under the Juvenile Court Law. The People v. Michael F.

The orders are affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication)

A107522 – The People v. Jessie N. Delgado.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication)

Division Five

A106542 – In re Haley K., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Brian K.

By the Court: Appellant's petition for rehearing, filed January 27, 2005, is denied. Jones, P.J.

A105221 – Thomas Mark Deal v. Patricia Kim Deal.

The judgment and order of the trial court are affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication)

Tuesday, February 22, 2005

Division One

A103497 – The People v. Titi Lavea.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A105925 – The People v. Richard V. Nelson.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

A107362 – The People v. Gary Wayne Pedersen.

The additional restitution fines imposed on August 3, 2004, shall be stricken; and the judgment is otherwise affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication)

A103597 – Richard E. Thomas v. John Quintero.

By the Court: The petition for rehearing is denied. Kline, P.J.

Division Three

A107912 – Guardianship of E.H., a Minor. Ladonna H. v. Myra M.

The judgment is affirmed. Myra M. shall recover her costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

A105827 – In re E.H., a Person Coming Under the Juvenile Court Law. Lake County Department of Social Services v. Ladonna H.

The order terminating dependency jurisdiction is reversed. The juvenile court is ordered to proceed with the permanent plan of adoption for E.H., and to facilitate the adoptive placement chose by State Adoptions, consistent with its obligations under section 366.3 and *Theodore D.*, *supra*. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

Tuesday, February 22, 2005 (continued)

Division Four

A104207 – The People v. Malik Ali Muhammad.

The judgment is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

A106474 – David Grassi v. Nancy Burns et al., Anthony Ciccolini.

The order is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, February 22, 2005

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Kay, P.J., Sepulveda, J., and Rivera, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

- A103021 Power Standards Lab. Inc.
 v.
 Federal Express Corporation
Cause called. Tim Ginn argued for appellant Federal Express. Michael Mazzocone argued for respondent. Cause submitted.
- A105452 Howard Hershops
 v.
 Jul Niemier
Cause called. Appellant Howard Hershops argued on his own behalf. Joshua Goodman argued for respondent. Cause submitted.

The Court recessed at 10:12 a.m.

Tuesday, February 22, 2005 (continued)

Division Five

A104555 – Harry J. Williby v. Regents of the University of California.

The judgment of dismissal is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication)

Wednesday, February 23, 2005

Division One

A106406 – The People v. Devin Farley.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A102291, A102824 – The People v. Winnfred Wright et al.

In the case of Campbell, we note a clerical error in the abstract of judgment. The trial court imposed a sentence of 10 years consisting of a lower term of 2 years for felony child abuse, an enhancement of 4 years for circumstances likely to produce great bodily injury or death, and three consecutive terms of 16 months reflecting one third of the middle term for felony child abuse on counts four, five and six. The abstract of judgment properly states that the total time is 10 years and correctly identifies the 2-year principal term and 4-year enhancement but erroneously refers to three consecutive terms of 8 months on counts four, five, and six.

The judgment of Campbell is remanded for the limited purpose of correcting the clerical error in the abstract of judgment so as to provide for three consecutive terms of 16 months on counts four, five, and six, and is otherwise affirmed.

In all other respects, the judgments are affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

A100456 – Anthony Rutledge et al., v. Seyfarth, Shaw, Fairweather & Geraldson, et al.

The trial court's order awarding costs to Seyfarth is affirmed. Costs on appeal are awarded to Seyfarth. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A099423 – Anthony Rutledge et al., v. Seyfarth, Shaw, Fairweather & Geraldson, et al.

The judgment is affirmed. Costs on appeal are awarded to Seyfarth. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A105650 – N.V. Heathorn, Inc., v. County of San Mateo.

The judgment is reversed. Costs on appeal are awarded to Heathorn. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Certified for Partial Publication)

A105879 – Barry C. Delavan v. City of Antioch, et al.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

Wednesday, February 23, 2005 (continued)

Division Two

**A106291 – In re Dominic T., JR., a Person Coming Under the Juvenile Court Law.
Contra Costa County Bureau of Children and Family Services v. Leacy U.**

We follow the disposition outlined in *In re Gerardo A.*, *supra*, 119 Cal.App.4th at page 997, and reverse the juvenile court's order terminating mother's parental rights. On remand, the juvenile court is directed to vacate its prior ruling that ICWA did not apply to Dominic and conduct further proceedings consistent with the views expressed in this opinion. If the court determines (1) that respondent has properly served the available Indian heritage information it possesses regarding Dominic via proper notices to any and all of the Indian tribes and/or the BIA as required by ICWA and Rule 1439, and (2) that no tribe claims that Dominic is an "Indian child" under ICWA, the court shall reinstate its order terminating mother's parental rights. Alternately, the court shall proceed in this matter pursuant to the terms of ICWA. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 23, 2005

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Parrilli J., Corrigan, J., Pollak J., and C. Turner, Deputy Clerk.

A102157 The People,

v.

Edward Sullivan,

Cause called and argued by Alfons George Wagner, counsel for appellant, and Jeffrey M. Bryant, counsel for respondent. Cause ordered submitted.

A105312 Microsoft Corporation,

v.

Franchise Tax Board,

Cause called and argued by Julian O. Standen, counsel for respondent. and James Patrick Kleier, counsel for respondent.

Justice McGuiness announced that the panel for Microsoft Corporation is comprised of Justice Parrilli, Justice Corrigan, J and himself.

Cause ordered submitted.

A101823 Cathedral Hill Vistas Homeowners Association,

v.

Bay Area Construction Framers,

Cause called and argued by Mark G. Intrieri, counsel for appellant, and Daniel Joseph Smith, counsel for respondent.

Cause ordered submitted.

A089623 The People,

v.

Clemeth Ray Castille,

Remon Shields,

Cause called and argued by Stephen Michael Greenberg, counsel for Remon Shields and Christina Von Saal, counsel for respondent.

Cause ordered submitted.

Justice Corrigan left the bench and Justice McGuiness took his place on the Bench.

A102805 Rita Kharmats,

v.

Marina Kasavin

David Heck & Bradly Firm

Cause called and argued by Rita Kharmats, appellant in pro per and David Heck, counsel for Marina Kasavin and Paul Vallone counsel for David Heck , et al.

court adjourned

Wednesday, February 23, 2005 (continued)

Division Four

A103358 – Brandon James Maxfield v. Bryco Arms et al.

The judgment is affirmed. Maxfield is to recover his costs on appeal. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication)

A103990 – Union Pacific Railroad Company f. Santa Fe Pacific Pipelines, Inc., et al.

We reverse that portion of the judgment assigning a five-foot width to Line Section 16 and direct the trial court to recalculate the ATF value, giving Line Section 16 a 10-foot width for 19.014 miles and a five-foot width for .19 miles. In all other respects we affirm the judgment. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication)

A106929 – The People v. Moises Zurita Estrada.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication)

A108761 – Thomas Carson v. The Superior Court of Del Norte County; The People of the State of California, R.P.I.

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its order of September 9, 2004, denying petitioner's application for certificate of probate cause. Respondent shall issue a new order granting the application. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Division Five

A105953 – Creditors Trade Association, Inc., v. Elibrium, LLC, et al.

The order denying the motion of Elibrium, LLC and Chiu to vacate the default judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication)

Thursday, February 24, 2005

Division One

A104889 – The People v. Rickey Powell.

Defendant's conviction is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A104946, A105134 – Terrell Joseph et al., v. San Francisco House Authority.

The orders issuing the writ of mandate and denying SFHA's motion for reconsideration are affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Certified for Publication)

Division Two

A104015 – The People v. Anthony Raynail Williams.

A107704 – In re Anthony Raynail Williams on Habeas Corpus.

We affirm appellant's convictions in their entirety and deny appellant's petition for writ of habeas corpus. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

A107684 – In re Troy S., a Person Coming Under the Juvenile Court Law. The People v. Troy S.

Appellant was at all times represented by competent counsel. We find no indication of error in the record and affirm the judgment. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

A103684 – Gary Gresher v. Eloise Anderson, as Director, etc., et al.,

The judgment is reversed. The trial court is directed to issue a writ of mandate directing the Department to: (1) permit certified family home employees to seek exemptions on their own behalf; (2) permit terminated employees to seek exemptions after their employers receive notice of criminal history, without requiring that the notice of criminal history, without requiring that the notification have caused the termination; (3) include in the "exemption needed" notice information specifying the convictions to be addressed in an exemption request; (4) stop closing Trustline applications from persons in deferred judgment or pretrial diversion programs; and (5) notify persons denied an exemption of the basis for the denial in terms sufficiently specific to permit a reasonably informed decision on whether to pursue an administrative appeal. Gresher shall recover his costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Certified for Publication)

Thursday, February 24, 2005 (continued)

A107603 – The People v. Loren Wayne Millsap.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication)

Division Four

A105795 – In re the Marriage of Margaret M. and David W. Kapranos. Maragaret M. Kapranos v . David W. Kapranos.

The order denying the motion to set aside judgment is reversed in part. The matter is remanded for a limited hearing on the question of whether the mistake was material, after which the trial court shall act in accordance with the directions of this opinion. In all other respect, the trial court's order is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication)

Division Five

A106267 – William Rouse v. Operation Dignity et al.

The judgment is affirmed. In the interest of justice, each side shall bear its own costs on appeal. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication)

Friday, February 25, 2005

Division One

A097376 – The People v. Joseph Atkinson.

The judgment of conviction is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A104614 – The People v. Taylor Roy Shepherd.

We remand the matter with instructions that the order and judgment granting probation be amended to strike the condition prohibiting defendant from gambling, being present in or near gambling places, or possessing gambling-related items. In all other respects, the judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

A105481 – The People v. Roman Montiel.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

A104896 – The People v. Shadrack J. Phillips.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

Division Four

A105542 – R. Bryan Jamar et al., v. Anne McGivern et al.

Order modifying opinion and denying rehearing and no change in judgment. The Court: It is ordered that the opinion filed herein on January 31, 2005, be modified as follows: (See Order). There is no change in the judgment. Respondents' petition for rehearing is denied. Kay, P.J. (Not for Publication)

A107695 – The People v. Elmore Briggs.

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

Friday, February 25, 2005 (continued)

Division Five

A107047 – In re Carter W., a Person Coming Under the Juvenile Court Law. The People v. Carter W.

The order is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication)

A105834 – In re Gia B.-P., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Jennifer P.

The dispositional order is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication)

A108828 – Peter L. v. Superior Court of Sonoma County, Respondent; Sonoma County Human Services Department, Real Party in Interest.

Father's petition for extraordinary writ review is dismissed and the order to show cause is discharged. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 38.1(h); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Father is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (l).) Because the .26-hearing is set for March 3, 2005, our decision is final as to this court immediately. (Rule 24(b)(3).) The request for stay is denied. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication)

A104035 – The People v. Alan Joseph Marquez.

The judgment is reversed as to counts 6, 7, 9 and 10, and affirmed in all other respects. Simons, J. We Concur: Jones, P.J., Stevens, J. (See concurring and dissenting opinion by Jones, P.J.) (Not for Publication)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

February 25, 2005

Court convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Simons, J., Gemello, J., and Mary P. Quilez, Deputy Clerk.

A109193 Anthony Cadlo, et al.
 v.
 The Superior Court of San Francisco County
 Cause called and argued by Christopher E. Andrews, counsel for petitioners and
 by John P. Katerndahl, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:00 p.m.

Monday, February 28, 2005

Division One

A104452 – In re Billy L., a Person Coming Under the Juvenile Court Law. The People v. Billy L.

The disposition findings and order executed October 8, 2003 is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

A107697 – People of the State of California v. Osman Antonio Alvarez-Rocha.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

A107299 – In re Thaddeus G., a Person Coming Under the Juvenile Court Law. The People v. Thaddeus G.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

Division Two

A106677 – The People v. Jan Christopher Jones.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

A105029 – The People v. Marcelo Hernandez.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

Monday, February 28, 2005 (continued)

Division Three

A101823 – Cathedral Hill Vistas Homeowners Association v. Bay Area Construction Framers, Inc.

The judgment in favor of Bay Area Construction Framers, Inc., and the orders denying the JNOV motion and awarding costs, are affirmed. The purported appeal from the order denying Cathedral Hill Vistas Homeowners Association's motion for a new trial is dismissed. Respondent is awarded its costs on appeal. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

A104572 – The People v. Kelly Tevlin.

A107384 – In re Kelly Tevlin, on Habeas Corpus.

The judgment is affirmed. The petition for a writ of habeas corpus is denied. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

A102157 – The People v. Edward Sullivan.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

A102396 – The People v. Edwin Valle.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A102805 – Rita Kharmats v. Marina Kasavin, et al.

The judgment entered March 18, 2003, is reversed with respect to the assault cause of action against Heck. The judgments are otherwise affirmed. Heck shall bear his costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

A105312 – Microsoft Corporation v. Franchise Tax Board.

The judgment is reversed. The FTB shall recover its costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

A100188 – Specialized Clutch & Brake of Stockton, Inc., v. United Brake Systems, Inc., et al.

The judgment is affirmed. Appellant Specialized shall pay respondents' costs on this appeal. McGuiness, P.J. I Concur: Corrigan, J. (See concurring opinion by Pollak, J.) (Not for Publication)

A107896 – The People v. Wayne William Glosser.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Monday, February 28, 2005 (continued)

Division Four

A100724 – George Albert Bell v. Chevron U.S.A. Inc., et al.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication)

A108263 – The People v. Rocca M. Awa.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication)

A104455 – County of Alameda ex rel. Donna J. Benck v. Gerhardt Benck.

The order vacating the registration of the Illinois support order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

Division Five

A109193 – Anthony Caldo et al., v. The Superior Court of San Francisco County; John Crane, Inc., R.P.I.

Let a peremptory writ of mandate issue compelling respondent superior court to set aside and vacate its order of January 21, 2005 granting real party in interest's motion in limine No. 8, and to enter a new and different order denying motion in limine No. 8, and to instruct or reinstruct the jury as may be necessary, consistent with the views expressed in this opinion. This decision shall be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) This court's order of February 18, 2005 staying enforcement of respondent's order granting real party in interest's motion in limine No. 8 shall remain in effect until issuance of the remittitur. (Cal. Rules of Court, rule 26.) Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

A106794 – The People v. Walter Edwards.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication)

A105776 – Construction Industry Force Account Council et al., v. Mendocino Coast Health Care District et al.

The order denying a preliminary injunction is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication)